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LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE, WA 99201

EXAMINER
HALL, ARTHUR O

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/611,799	KEAM ET AL.
	Examiner	**Art Unit**	
	ARTHUR O. HALL	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 January 2009*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35,37,39-41 and 44-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35,37,39-41 and 44-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

Examiner acknowledges applicants' amendment of claims 1-7, 10-11, 13, 19-21, 23-31, 37, 41 and 44 in the Response dated 12/1/2008 as part of the Request for Continued Examination directed to the Final Office Action dated 7/11/2008. Claims 1-35, 37, 39-41 and 44-47 are pending in the application and subject to examination as part of this office action.

Examiner acknowledges that applicants' arguments in the Response dated 12/1/2008 as part of the Request for Continued Examination directed to the rejection set forth under 35 U.S.C. 103(a) in the Final Office Action dated 7/11/2008 are deemed moot in light of a new ground of rejection under 35 U.S.C. 103(a) as set forth below in view of applicants' amendments and in view of applicants' arguments.

Examiner acknowledges applicants' amendments of claims 23-30 to resolve the non-statutory subject matter of the claims, which obviate the rejections under 35 U.S.C. 101 described in the Final Office Action dated 7/11/2008. Therefore, Examiner withdraws further rejection under 35 U.S.C. 101. However, Examiner sets forth new grounds of rejection of claims 1-22 necessitated by amendment as being directed to patent ineligible processes for the reasons described below.

Claim Rejections - 35 USC § 101

Claims 1-22 are rejected under 35 USC 101 as being directed to non-statutory subject matter because these claims are directed to a method or process that does not transform underlying subject matter (such as an article or materials) to a different state or thing, nor are they tied to different statutory category of invention (such as a particular machine). *See Diamond v. Diehr*, 450 U.S. 175, 184 (1981) (quoting *Benson*, 409 U.S. at 70); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978) (citing *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)). *See also In re Comiskey*, 499 F.3d 1365, 1376 (Fed. Cir. 2007) (request for rehearing *en banc* pending).

For guidance with respect to determining patent eligible subject matter based on the latest decision from the Court of Appeals for the Federal Circuit, see *In re Bilski*, Appeal No. 2007-1130.

Hence, to satisfy the requirement that the claimed invention is a statutory eligible process, the claimed invention must:

(1) fall within one of the enumerated categories of invention, or

(2) transform an article or physical object to a different state or thing.

As to claims 1-22, the first step in this process is to determine whether the claims fall within one of the enumerated categories of invention. In the immediate application, the claims are drawn to a process - a "method for managing in a computer game a

game inventory" - and does not meet this step because the body of the claim does not recite, for example, that the method is "machine or computer implemented."

However, the analysis does not end here. The next step is to determine whether a judicial exception (abstract ideas, laws of nature, natural phenomenon) is provided in the claim. In the immediate application, claims 1-22 clearly include one of the judicial exceptions in that "the plurality of virtual objects," "the collected plurality of virtual objects," and "the filtered collected plurality of objects" and the step of "collecting," "indicating or filtering," and "displaying" are nothing more than abstract ideas. While abstract ideas alone are not eligible, the claim as a whole must be analyzed to determine whether the claim is recited as a particular practical application of the abstract idea. In order for claims that include such excluded subject matter to be eligible, the claim must have a practical application of the abstract idea, law of nature, or natural phenomena.

Since the process does not fall within one of the enumerated categories of invention, the analysis proceeds to determine whether the practical application includes a physical transformation of an object to a different state or thing. In the immediate application, claims 1-22 do not include a physical transformation because no "article or physical object" has changed to a different state or thing. Regarding (2) above, the claims do not provide a transformation or reduction of an article to a different state or thing. "collecting the plurality of virtual objects," "indicating, on the electronic display, at least a portion of the collected plurality of virtual objects," "filtering, in the computer

game, the collected plurality of virtual objects," and "displaying on the computer display

the filtered collected plurality of objects" clearly do not transform an article or physical

object to a different state or thing. Even though the process also does not include a

physical transformation of an object to a different state or thing, the analysis proceeds to

determine whether the practical application produces a useful, concrete, and tangible

result. Accordingly, one must then consider whether the claimed invention produces a

useful, concrete, **and** tangible result.

To satisfy the requirement that there is a practical application of the claimed

invention, the claimed invention must:

(3) produce a useful, concrete, and tangible result.

(A) Useful Result

For an invention to be "useful," it must satisfy the utility requirement under 35

USC 101. The official interpretation of the utility requirement by the USPTO provides

that the utility of the invention must be (i) specific, (ii) substantial <u>and</u> (iii) credible. See

MPEP 2107. One can argue that the claim does not provide a useful result when the

claim does not actually solve a problem. Thus, the claim does not appear to be specific

as to how the problem is solved, and if solved, the claim is not specific as to how the

solution is to be used.

(B) Concrete Result

Another consideration is whether the invention produces a "concrete" result.

Usually, this question arises when a result cannot be assured. In other words, the

process must have a result that can be substantially repeatable or the process must

substantially produce the same result multiple times. Resolution of this question

depends on the level of skill in the art. For example, if the claimed invention is for a

process that requires a particular skill, then to determine whether the process is

substantially repeatable, a determination of the level of skill of the ordinary skilled

artisan is necessarily required.

Regarding the concrete result requirement, the claim does not provide a result

that can be assured in that the result is not substantially repeatable, and thus, the

process cannot substantially produce the same result a number of times.

(C) Tangible Result

The tangible requirement does not necessarily mean that a claim must either be

tied to a particular machine or apparatus nor that the claim must operate to change

articles or materials to a different state or thing. However, the tangible requirement

requires that the claim recite more than a judicial exception under 35 USC 101.

Consequently, the process claim must set forth a practical application of the judicial

exception under 35 USC 101 to produce a real world result.

Regarding the tangible result requirement, the claim clearly does not provide a

practical application. The problem, even if solved, is not practically applied to produce a

real world result. For example, once the problem is solved, how is the result then

applied?

In view of the above analysis, applicants' claims 1-22 are processes that include

a judicial exception therein. Upon review of the claims as a whole, the claims do not fall

within one of the enumerated categories of invention nor is there a physical

transformation nor does the claim produce a useful, concrete, and tangible result.

Accordingly, the claim is non-statutory under 35 U.S.C. 101.

Claim Rejections - 35 USC § 103

Examiner sets forth new grounds of rejection under 35 U.S.C. § 103(a) with

respect to amended features as described below because each of the features of

applicants' claimed invention as amended continues to be unpatentable or obvious over

the prior art.

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claims 1-35, 37, 39-41 and 44-47 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Shimakawa et al. (US Patent 7,275,987; hereinafter Shimakawa) in

view of DeStefano (US Patent 6,304,259), and further in view of Logg (US Patent

4,738,451). Features are described by figures with reference characters where

necessary for clarity.

Regarding claim 1, Shimakawa teaches

a method for managing in a computer game a game inventory of a plurality of virtual items acquired during computer game play, the method (column 3, lines 29-40 and Fig. 1, 20a-c, 10 and 30, Shimakawa; plural computers are connected to a server for carrying out the steps of the acquired virtual items with virtual users in the game) comprises:

indicating to a game player, on an electronic display during computer game play, the plurality of computer generated virtual objects to be obtained as possessions by a computer generated representation of the game player from other computer generated representations, at least a portion of the plurality of virtual objects comprising attributes (column 3, lines 33-35 and lines 41-65, column 4, lines 56-61, Fig. 1, 10 and 20 and Fig. 3, 503, Shimakawa; virtual user characters are indicated on computer display screens via a server as using or possessing virtual items having attributes set as car or building or telephone in a virtual world or inventory management portion, and virtual user characters acquire virtual items to be used in the virtual world, and it would have been obvious at the time of invention to try an implementation in which the virtual user character places objects in a virtual bag or package since the virtual user character is configured to carry virtual items acquired on their person and because one having ordinary skill in the art would have understood from Logg that attribute affecting entities or resources are virtual items such as keys, potions / magic enhancing resource, treasures, and food (column 4, line 66 to column 5, line 1, column 12, lines 44-61 and column 13, lines 14-30, Logg), which are virtual objects that are inherently acquired for placing in a container or enclosure similar to a pocket, bag, box or pouch for carrying by a virtual user character in the game for use in different game scenarios);

indicating, on the electronic display, at least a portion of the collected plurality of virtual objects as being possessed with the computer generated representation of the game player (column 4, line 62 to column 5, line 2, Shimakawa; virtual user characters are indicated on display screens as using or possessing virtual items in a virtual world, and it would have been obvious at the time of invention to try an implementation in which the virtual items or keys, potions, treasures, and food possessed by player characters in Logg (column 161, lines 3-18, Logg) are possessed as virtual items by the

virtual user characters in Shimakawa in the virtual world since Logg and Shimakawa teach that virtual player characters manipulate virtual items or objects in the virtual world);

Further, Shimakawa does not appear to teach filtering plural virtual objects and displaying filtered plural virtual objects as claimed. Therefore, attention is directed to DeStefano, which teaches

filtering in the computer game the collected plurality of virtual objects based on their attributes (column 9, lines 5-32, column 26, lines 43-56, Fig. 3, 40, 42 and 44 and Fig. 16, 420, DeStefano; information elements or virtual objects of the body of knowledge or game inventory are filtered via a lens or inventory filter icon based on the level identifier or attribute of the information elements, and it would have been obvious at the time of invention to try an implementation in which the filtering occurs for the virtual items based on attributes disclosed in Shimakawa and Logg since the lens causes the filtering of the information elements based on input from the user associated with a particular lens that is associated with the information elements of the body of knowledge and because Shimakawa and Logg teach that virtual objects, wherein Logg teaches that the attributes of virtual objects are configured to be filtered or changed based on the rules of the game so as to cause virtual objects to have different attributes for different purposes during game play (column 13, lines 45-66, column 163, line 55 to column 164, line 5 and column 164, lines 49-52, Logg)).

DeStefano suggests that a device and method that improves the representation of a body of knowledge in a computer system in a manner that causes the user to more readily comprehend or understand the body of knowledge will eliminate the difficulty user's have when switching back and forth between virtual content on an online

computer (column 1, line 48 to column 2, line 6 and column 2, line 61 to column 3, line 46, DeStefano).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Shimakawa in view of the teachings of DeStefano for the purpose of providing the gaming device of Shimakawa having virtual object indicating, collecting and possession features with respect to a virtual user character that are interchangeable with or upgradeable to the filtering and displaying features disclosed by DeStefano in order to eliminate user difficulty when switching between virtual content on an online computer by representing the body of knowledge in a way that causes the user to better comprehend the virtual information included in the body of knowledge.

However, Shimakawa alone or in combination with DeStefano does not appear to teach collecting plural virtual objects having attributes assigned during game play and displaying filtered collected plural objects as claimed. Therefore, attention is directed to Logg, which teaches

collecting the plurality of virtual objects using the computer generated representation of the game player, each of the plurality of virtual objects having one or more attributes assigned during game play (column 7, lines 40-67, column 12, lines 44-61, column 157, lines 51-68, and column 161, lines 3-18, Logg; it would have been obvious at the time of invention to try an implementation in which the player characters in Logg collect the attribute affecting entities or resources or virtual objects such that the attribute affecting entities or resources are assigned attributes during the game since the different attributes such as speed, magic powers, shot power, shot width, armor

strength, etc. change the abilities of a player character during game play based on the attribute affecting entity collected and possessed by the player character, and because Shimakawa discloses that virtual user characters acquire virtual items to be used in the virtual world (column 3, lines 33-35 and lines 62-65, Shimakawa)); and

displaying on the computer display the filtered collected plurality of objects in the game inventory (column 164, lines 6-21, Logg; it would have been obvious at the time of invention to try an implementation in which the virtual items attribute affecting entities or resources of Logg are filtered based on attributes as disclosed by DeStefano and displayed as disclosed in Logg since DeStefano discloses that filtered virtual intersection points or other filtered information elements in the body of knowledge are displayed on a video monitor (column 7, lines 27-35 and column 26, lines 57-65, DeStefano)).

Logg suggests that a device that provides a video game in which players are allowed to join or leave the game at any time and simultaneously control their characters to manipulate their characters and other objects in the virtual space will solve the problem in which players do not have the ability to cooperate between any of the characters or other objects in the game while different players controlling their characters enter and leave the game (column 1, lines 15-64, Logg).

Thus, it would have been obvious to a person having ordinary skill in the art at the time the applicant's invention was made to modify Shimakawa in view of the teachings of DeStefano, and further in view of the teachings of Logg for the purpose of upgrading the indication of plural virtual objects and the possessing virtual objects by virtual player characters and filtering of virtual objects based on assigned attributes during game play as disclosed by Shimakawa alone or in combination with DeStefano

with the collection of plural virtual objects having assigned attributes during game play

and displaying filtered collected plural objects as disclosed by Logg in order to solve the

problem in which players do not have the ability to cooperate between any of the

characters or other objects in the game while different players controlling their

characters enter and leave the game by providing a video game in which players are

allowed to join or leave the game at any time and simultaneously control their

characters to manipulate their characters and other objects in the virtual space.

Regarding claim 23 and 37, Shimakawa teaches

an electronic device including a game display, **or in other words**, an apparatus
(column 3, lines 29-40 and Fig. 1, 20a-c, 10 and 30, Shimakawa; plural computers are
connected to a server for carrying out the steps of the acquired virtual items with virtual
users in the game) comprises:

a game server operative to couple with the plurality of game computers running a
computer game, the game server at least partially including an inventory management
portion that stores an indication of a plurality of virtual objects obtained as possessions
and hidden in a virtual bag by computer generated representations of a plurality of
game players during their play of the computer game, **or in other words**, virtual item
icons indicating a plurality of virtual objects collected and hidden in a virtual bag by a
computer generated representation of a game player during play of a computer game
(column 3, lines 33-35 and lines 41-65, column 4, lines 56-61, Fig. 1, 10 and 20 and Fig.
3, 503, Shimakawa; virtual user characters are indicated on computer display screens
via a server as using or possessing virtual items having attributes set as car or building
or telephone in a virtual world or inventory management portion, and virtual user
characters acquire virtual items to be used in the virtual world, and it would have been
obvious at the time of invention to try an implementation in which the virtual user
character places objects in a virtual bag or package since the virtual user character is

configured to carry virtual items acquired on their person and because one having ordinary skill in the art would have understood from Logg that attribute affecting entities or resources are virtual items such as keys, potions / magic enhancing resource, treasures, and food (column 4, line 66 to column 5, line 1, column 12, lines 44-61 and column 13, lines 14-30, Logg), which are virtual objects that are inherently acquired for placing in a container or enclosure similar to a pocket, bag, box or pouch for carrying by a virtual user character in the game for use in different game scenarios),

the selected inventoried package includes a process for indicating at least one virtual item icon to the game player (column 4, line 62 to column 5, line 2, Shimakawa; virtual user characters are indicated on display screens as using or possessing virtual items in a virtual world, and it would have been obvious at the time of invention to try an implementation in which the virtual items or keys, potions, treasures, and food possessed by player characters in Logg (column 161, lines 3-18, Logg) are possessed as virtual items by the virtual user characters in Shimakawa in the virtual world since Logg and Shimakawa teach that virtual player characters manipulate virtual items or objects in the virtual world).

Further, Shimakawa does not appear to teach the selecting the inventory filter icon and indicating the virtual item icon as claimed. Therefore, attention is directed to DeStefano, which teaches

the inventory management portion further including a process for providing an inventory filter icon that can be selected by the plurality of game players to filter attributes of the plurality of virtual objects assigned during running of the computer game to yield a selected inventoried package, **or in other words**, an inventory management portion, the inventory management portion includes: an inventory filter icon that can be selected to yield a selected inventoried bag display, each displayed virtual filtered item icon represents at least one of the plurality of collected and hidden virtual objects that includes the attributes assigned during play of the computer game (column 9, lines 5-32, column 26, lines 43-56, Fig. 3, 40, 42 and 44 and Fig. 16, 420,

DeStefano; information elements or virtual objects of the body of knowledge or game inventory are filtered via a lens or inventory filter icon based on the level identifier or attribute of the information elements, and it would have been obvious at the time of invention to try an implementation in which the filtering occurs for the virtual items based on attributes disclosed in Shimakawa and Logg since the lens causes the filtering of the information elements based on input from the user associated with a particular lens that is associated with the information elements of the body of knowledge and because Shimakawa and Logg teach that virtual objects, wherein Logg teaches that the attributes of virtual objects are configured to be filtered or changed based on the rules of the game so as to cause virtual objects to have different attributes for different purposes during game play (column 13, lines 45-66, column 163, line 55 to column 164, line 5 and column 164, lines 49-52, Logg)),

each indicated virtual item icon represents at least one of the plurality of virtual objects that includes the attributes filtered as a result of at least one of the game players selecting the inventory filter icon, **or in other words**, the inventory management portion includes: at least one of the plurality of collected and hidden virtual objects that includes the attributes filtered based on queries associated with the inventory filter icon (column 22, lines 24-41, DeStefano; an obscure effect indicates to the user the predetermined location of the information elements in the body of knowledge based on the level identifier or attribute of the information elements that are filtered via the lens selected by the user).

Motivation as suggested above by DeStefano is applicable here to support modification of Shimakawa to incorporate the features taught by DeStefano.

However, Shimakawa alone or in combination with DeStefano does not appear to teach collecting plural virtual objects having attributes assigned during game play and

displaying filtered collected plural objects as claimed. Therefore, attention is directed to

Logg, which teaches

a plurality of virtual objects obtained as possessions and hidden in a virtual bag

by computer generated representations of a plurality of game players, at least a portion

of the plurality of virtual objects comprising attributes assigned during running of the

computer game, **or in other words**, a plurality of virtual objects being collected and

hidden in a virtual bag by a computer generated representation of a game player, at

least a portion of the plurality of virtual objects comprising attributes assigned during

play of the computer game (column 12, lines 44-61, column 157, lines 51-68, and

column 161, lines 3-18, Logg; it would have been obvious at the time of invention to try

an implementation in which the player characters in Logg collect the attribute affecting

entities or resources or virtual objects such that the attribute affecting entities or

resources are assigned attributes during the game since the different attributes such as

speed, magic powers, shot power, shot width, armor strength, etc. change the abilities

of a player character during game play based on the attribute affecting entity collected

and possessed by the player character, and because Shimakawa discloses that virtual

user characters acquire virtual items to be used in the virtual world (column 3, lines 33-

35 and lines 62-65, Shimakawa)),

the selected inventoried bag display displays one or more filtered virtual item

icons (column 164, lines 6-21, Logg; it would have been obvious at the time of invention

to try an implementation in which the virtual items attribute affecting entities or

resources of Logg are filtered based on attributes as disclosed by DeStefano and

displayed as disclosed in Logg since DeStefano discloses that filtered virtual

intersection points or other filtered information elements in the body of knowledge are

displayed on a video monitor (column 7, lines 27-35 and column 26, lines 57-65,

DeStefano)).

Motivation as suggested above by Logg is applicable here to support modification of Shimakawa alone or in combination with DeStefano to incorporate the features taught by Logg.

Regarding claim 31, the scope of the claim for the article of manufacture implemented to execute the method of operating the system is inherent with respect to claims 23 and 37 above in view of the structure disclosed by Shimakawa, DeStefano and Logg since the article of manufacture is the computer readable medium (column 7, lines 14-26, DeStefano) from which the method steps are executed in the normal and logical manner by which the system is employed.

Regarding claim 39, the virtual objects are obtained as possessions by displaying the computer representations of the game player capturing the virtual objects from computer representations of other game players during the play of the computer game (column 7, line 63 to column 8, line 18; Shimakawa; virtual user characters are displayed possessing or obtaining virtual items having the attribute of a car such that no other user can possess or obtain the virtual item).

Regarding claim 40, the game display further includes a game screen where game action by the computer representation of the game player is being portrayed (column 5, lines 13-21, Shimakawa; the virtual user character has a movable property such that the character is displayed as moving).

Regarding claim 41, the apparatus searches a plurality of objects for attributes assigned during play of the computer game satisfying a predetermined search criteria, and the apparatus displays only those objects that satisfy search criteria as set forth by

the attributes filtered as a result of selecting the inventory filter icon (column 27, lines 37-50, DeStefano; the computer system under the operation of the user searches, via the lens, for information elements located in the body of knowledge using scroll events, and it would have been obvious at the time of invention to try an implementation in which searching occurs for attribute affecting entities or resources or virtual objects in Logg such that the attribute affecting entities or resources are filtered as disclosed by DeStefano and assigned attributes during the game since the different attributes such as speed, magic powers, shot power, shot width, armor strength, etc. change the abilities of a player character during game play based on the attribute affecting entity collected and possessed by the player character).

Regarding claim 2, the method further comprises:

indicating to a game player on the electronic display during computer game play the computer generated representation of the game player (column 4, lines 26-33, Shimakawa; virtual user characters are displayed to the user on the computer);

indicating on the computer display other computer generated representations as characters in the game (column 4, lines 17-25, Shimakawa; other virtual objects other than the virtual user character are displayed on the computer);

indicating on the electronic display the obtaining of the plurality of virtual objects with the computer generated representation of the game player (column 4, line 62 to column 5, line 2, Shimakawa; virtual user characters possess virtual items in the virtual world); and

displaying the computer generated representation of the game player and the other computer generated representation as an animated character (column 5, lines 3-6, Shimakawa; virtual user characters and virtual items are displayed as objects that move).

Regarding claim 3, the method further comprises:

constructing a first and a second filter, wherein at least one of the first and second filters determines virtual objects having a flag type attribute or an enumeration type attribute; and filtering with the first and second filter the obtained plurality of virtual objects based on their attributes (column 18, lines 2-23 and lines 36-43 and column 26, lines 57-65, DeStefano; a filter having an alphanumeric identifier/attribute or another filter having an iconic identifier/attribute are created and associated with lenses that are configured to be supplementary or supplemented lenses, whereby the information elements are filtered by the filters based on a level of abstraction or attribute, and it would have been obvious at the time of invention to try an implementation in which the filter in DeStefano filters based on attribute since Shimakawa and Logg teach virtual objects, wherein Logg teaches that the attributes of or assigned to virtual objects are configured to be filtered or changed based on the rules of the game so as to cause virtual objects to have different attributes for different purposes during game play (column 13, lines 45-66, column 163, line 55 to column 164, line 5 and column 164, lines 49-52, Logg)).

Regarding claim 4, the method further comprises:

constructing of the first filter is by the game player and the constructing of the second filter is by a game developer (column 18, lines 44-53 and column 21, lines 11-19, DeStefano; a user creates a filter via creation of a lens and an author/developer defining an abstraction scheme in order to implement a filter).

Regarding claim 5, the method further comprises:

selecting by the game player either the first filter or the second filter to obtain the plurality of virtual objects based on their attributes assigned during play of the compute game (column 19, lines 16-30, DeStefano; it would have been obvious at the time of invention to try an implementation in which the filter in DeStefano filters based on attributes assigned during game play since Shimakawa and Logg teach virtual objects, wherein Logg teaches that the attributes of or assigned to virtual objects are configured to be filtered or changed based on the rules of the game so as to cause virtual objects

to have different attributes for different purposes during game play (column 13, lines 45-66, column 163, line 55 to column 164, line 5 and column 164, lines 49-52, Logg)).

Regarding claim 6, a plurality of objects included in the inventory are accessed using a plurality of filters, wherein each filter is used to select virtual objects having associated attributes that match different predetermined attributes associated with the filter (column 18, lines 54-66, DeStefano; filtered information elements in the body of knowledge are defined in terms of levels of data types or common attributes).

Regarding claim 7, the filtering is executed with one of the plurality of filters, and wherein certain ones of the plurality of filters include one or more queries that are defined by a player of the game, and other ones of the plurality of filters include queries that are defined by a game developer (column 23, lines 30-38, DeStefano; the author/developer and the user define abstraction schemes or queries that are used in the implementation of filters).

Regarding claim 8, only those virtual objects that satisfy a query that corresponds to the filter are selected by the filter (column 23, lines 57-63, DeStefano).

Regarding claim 9, the virtual objects are displayed over an inventory management portion of the display (column 21, lines 42-53, DeStefano; control groups or virtual objects are displayed in the dialog box or inventory management portion).

Regarding claim 10, the one or more queries includes a structured query language (SQL) query (column 16, line 58 to column 17, line 9, DeStefano; it would have been obvious at the time of invention to try an implementation in which SQL queries are integrated with HTML since HTML requires that users be capable of defining a data in a database in order to allow users to move around the web).

Regarding claim 11, the filtering is executed by a plurality of filters represented by a distinctive filter icon (column 22, lines 24-41, DeStefano; filtering based on obscure focus effect is indicated or represented by icons).

Regarding claim 12, selecting a virtual item icon to display the virtual item corresponding to the virtual item icon is disclosed (column 22, lines 42-48, DeStefano).

Regarding claim 13, the filtering is done with a filter, and wherein the filter is displayed as a portion of a user interface, further comprising the player at least partially defining the filter (column 21, lines 61-67, DeStefano).

Regarding claim 14, displaying virtual objects that include attributes that match predetermined attributes queried by a selected filter is disclosed (column 22, lines 6-13, DeStefano).

Regarding claim 15, a mouse is used to select the filter (column 14, lines 57-67).

Regarding claim 16, a joystick is used to select the filter (column 7, lines 36-45, DeStefano).

Regarding claim 17, a computer display button is used to select the filter (column 14, lines 57-67).

Regarding claim 18, a computer display menu is used to select the filter (column 14, lines 57-67).

Regarding claim 19, the filtering is done with a filter, and wherein the filter is represented by a name (column 22, lines 14-23, DeStefano; it would have been obvious at the time of invention to try an implementation in which highlighted filtering represented by text is associated with a name since one having ordinary skill in the art

would have known to utilize names described by text to label information elements or virtual items in order to separate the information elements).

Regarding claim 20, the filtering is done with a filter, and wherein the filter is represented by a symbol (column 22, lines 14-23, DeStefano; it would have been obvious at the time of invention to try an implementation in which highlighted filtering represented by colors is associated with a symbol since one having ordinary skill in the art would have known to utilize symbols described by colors to label information elements or virtual items in order to separate the information elements).

Regarding claim 21, the virtual objects are indicated as being possessed using a virtual bag displayed on the electronic display, wherein the filtering is executed using a filter, and wherein an indication of the filter is displayed as part of the electronic display displaying the bag (column 21, lines 42-53 and column 21, line 61 to column 22, line 5, DeStefano; it would have been obvious at the time of invention to try an implementation in which the player characters in Logg collect the attribute affecting entities or resources or virtual objects such that the attribute affecting entities or resources are filtered as disclosed by DeStefano and assigned attributes during the game and displayed in a virtual bag or other virtual container since the different attributes such as speed, magic powers, shot power, shot width, armor strength, etc. change the abilities of a player character during game play based on the attribute affecting entity collected and possessed by the player character, because Shimakawa discloses that virtual user characters acquire virtual items to be used in the virtual world (column 3, lines 33-35 and lines 62-65, Shimakawa), and because the virtual user character is configured to carry virtual items acquired on their person and because one having ordinary skill in the art would have understood from Logg that attribute affecting entities or resources are virtual items such as keys, potions / magic enhancing resource, treasures, and food (column 4, line 66 to column 5, line 1, column 12, lines 44-61 and column 13, lines 14-30, Logg), which are virtual objects that are inherently acquired for placing in a container or enclosure similar to a pocket, bag, box or pouch for carrying by a virtual

user character in the game for use in different game scenarios).

Regarding claim 22, enabling the first filter to filter a first virtual item; and altering the attribute of the first virtual item to enable the second filter to filter the virtual item and to disable the first filter from filtering the first virtual item is disclosed (column 22, line 60 to column 23, line 6, DeStefano; different filters filter particular information elements, and it would have been obvious at the time of invention to try an implementation in which the different filters in DeStefano are enabled and disabled to change the attribute and filter virtual items since Shimakawa and Logg teach virtual objects, wherein Logg teaches that the attributes of or assigned to virtual objects are configured to be filtered or changed based on the rules of the game so as to cause virtual objects to have different attributes for different purposes during game play (column 13, lines 45-66, column 163, line 55 to column 164, line 5 and column 164, lines 49-52, Logg)).

Regarding claim 44, indicating on the electronic display during play of the game the computer representation of the game player using one of the filtered obtained plurality of objects is disclosed (column 18, lines 36-43, DeStefano; it would have been obvious at the time of invention to try an implementation in which the virtual user character disclosed in Shimakawa uses a filtered information element or virtual item since the information elements are associated with the body of knowledge in the same manner virtual items are associated with the virtual world relative to user interaction).

Regarding claim 45, exchanging one of the filtered objects with other game players for value (column 19, lines 31-54, DeStefano; it would have been obvious at the time of invention to try an implementation in which filtered information elements or virtual items are exchanged between virtual user characters as disclosed in Shimakawa since the information elements are associated with the body of knowledge in the same manner virtual items are associated with the virtual world relative to user interaction).

Regarding claim 46, the scope of the claim for the method of operating the

system would be inherent with respect to claim 39 above in view of the structure

disclosed by DeStefano since the method is the normal and logical manner by which the

system could be employed.

Regarding claim 47, filtering comprises querying the attributes selected from a

group of queries comprising: determining virtual objects that are to be sold and/or

bartered, determining virtual objects that are weapons against monsters, and

determining virtual objects that are constructed of a particular material (column 37, line

65 to column 38, line 22, DeStefano; filtered information elements are created based on

author material, and it would have been obvious at the time of invention to try an

implementation in which virtual objects are filtered based on attributes such as weapons

against monsters, sold and/or bartered virtual objects and virtual objects constructed of

certain material since Logg discloses attribute affecting entities or resources are virtual

items such as keys, potions / magic enhancing resource, treasures, and food (column 4,

line 66 to column 5, line 1, column 12, lines 44-61 and column 13, lines 14-30, Logg)

that are configured to be filtered via the filter in DeStefano based on the different

attributes such as speed, magic powers, shot power, shot width, armor strength, etc. in

Logg because Shimakawa and Logg teach virtual objects, wherein Logg teaches that

the attributes of or assigned to virtual objects are configured to be filtered or changed

based on the rules of the game so as to cause virtual objects to have different attributes

for different purposes during game play (column 13, lines 45-66, column 163, line 55 to

column 164, line 5 and column 164, lines 49-52, Logg)).

Regarding claim 24, dragging one of the virtual item icon associated with one of

the virtual objects to a different location on the game display with an input device alters

the attributes of that virtual item (column 35, lines 4-15, DeStefano; the viewpoint for the

abstraction is altered by dragging a information element or compass handle).

Regarding claim 25, the game player defines the inventory filter icon (column 23, lines 30-45, DeStefano).

Regarding claim 26, a game developer defines the inventory filter icon (column 23, lines 30-45, DeStefano).

Regarding claims 27, the scope of the claim for the apparatus that employs the method of operating the system would be inherent with respect to claim 40, respectively, above in view of the structure disclosed by Shimakawa since the apparatus is employed in the normal and logical manner by which the method could be executed.

Regarding claims 28, the scope of the claim for the apparatus that employs the method of operating the system would be inherent with respect to claim 41, respectively, above in view of the structure disclosed by DeStefano since the apparatus is employed in the normal and logical manner by which the method could be executed.

Regarding claim 29, the game player provides attributes and selects objects based on the criteria using a user interface (column 21, line 61 to column 22, line 5, DeStefano).

Regarding claim 30, the computer game highlights the attributes of certain desirable virtual objects to a player (column 22, lines 14-23, DeStefano).

Regarding claims 32-35, the scope of the claims for the article of manufacture

implemented to execute the method of operating the system would be inherent with

respect to claims 4, 25-26 and 5, respectively, above in view of the structure disclosed

by DeStefano since the article of manufacture is the computer readable medium

(column 7, lines 14-26, DeStefano) from which the method steps are executed in the

normal and logical manner by which the system could be employed.

Response to Arguments

Applicants' arguments filed in the Response dated 12/1/2008 as part of the

Request for Continued Examination directed to the Examiners' rejection under 35

U.S.C. § 103(a) have been considered fully and are moot in light of a new ground of

rejection under 35 U.S.C. 103(a) as set forth above in view of applicants' amendments

and in view of applicants' arguments thereof.

Examiner has provided the above new grounds of rejection of the claims under

35 U.S.C. 103(a) because each of the features of applicants' claimed invention

continues to be unpatentable or obvious over the prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

A US-4,738,451, Logg

B US-7,409,647 B2, Elber et al.

C US-7,432,940 B2, Brook et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARTHUR O. HALL whose telephone number is (571)270-1814. The examiner can normally be reached on Mon - Fri, 8:00am - 5:00 pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. O. H./
Examiner, Art Unit 3714

/Peter DungBa Vo/
Supervisory Patent Examiner, Art Unit 3714